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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,192	12/11/2003	James E. Dickens	BS030418	8045

7590 01/06/2006

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EXAMINER	
EKONG, EMEM	

ART UNIT	PAPER NUMBER
2688	

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/733,192	DICKENS ET AL.	
	Examiner	Art Unit	
	EMEM EKONG	2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *03/30/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/22/05 have been fully considered but they are moot in view of the new ground(s) of rejection.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

> The oath or declaration is defective because: It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

The objection to the oath still stands because the oath submitted by Assignee only includes a residential address but fails to include a mailing address or post office address.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8, and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,867,796 to Inutsuka.

Regarding claim 8, Inutsuka discloses a method for alerting a subscriber of calling line identification information associated with a telephone call (see figure 2, col. 1 lines 8-53, and col. 6 lines 3-13),

the method comprising: receiving a telephone call at a base station (col. 5 lines 40-42), the telephone call comprising the calling line identification (col. 5 line 60-col. 6 line 13, and col. 8 lines 27-44),

wirelessly transmitting only the calling line identification information from a transmitter to an accessory device; and presenting the calling line identification information to the subscriber(col. 1 lines 1-12, col. 5 lines 7-10, col. 5 lines 60-65, and col. 6 lines 26-45, incoming call includes caller's telephone number, an identification code and incoming information)

wherein the subscriber is alerted to the calling line identification information associated with the telephone call (col. 6 lines 40-45).

Regarding claim 13, Inutsuka discloses a device for alerting a subscriber of calling line identification information associated with a telephone call (col. 1 lines 8-53, and col. 6 lines 3-13, a vibration unit),

the device comprising: a receiver wirelessly receiving only the calling line identification information from a base station (col. 5 lines 40-45, incoming calls received from a base station through the first antenna),

and a display presenting the calling line identification information, wherein when the calling line identification information is received, the device presents the calling line identification information to the subscriber, thus informing the subscriber of the calling line identification information associated with the telephone call (col. 5 lines 7-10, and col. 6 lines 3-45).

Regarding claims 14-16, Inutsuka discloses a device according to claim 13, the device further comprising circuitry producing an alerting signal upon activation;

wherein the alerting signal is at least one of visual, audible, and tactile;

wherein the device continuously presents the calling line identification information during the telephone call (see figure 1, col. 5 lines 7-10, col. 6 lines 42-45, and col. 7 lines 30-32, the unit display section displays the caller's telephone number as user information, the unit control section makes the unit displaying section delete the caller's telephone number).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inutsuka in view of U. S. Patent No. 6,459,913 to Cloutier.

Regarding claim 1, Inutsuka discloses a system for alerting a subscriber of network-associated information upon receipt of a telephone call, the system comprising: a base station wirelessly transmitting to an accessory device (see figure 2, col. 1 lines 8-53, and col. 6 lines 3-13);

the base station including a transmitter transmitting only network-associated information to the accessory device (col. 5 line 40-col. 6 line 10), the network-associated information representing signaling within the communications network, the network-associated information outside a voice portion of the telephone call (col. 5 line 59-col. 6 line 13); and

the accessory device including a wireless receiver and a display, the receiver wirelessly receiving only the network-associated information (see figure 1, col. 5 line 59-col. 6 line 13, and col. 8 lines 37-45)

and the display continuously presenting only the network-associated information during the telephone call (col. 6 line 15-col. 7 line 32, the unit control section makes the unit displaying section delete the caller's telephone number),

wherein when the telephone call is received, the accessory device presents the network-associated information to the subscriber, thus informing the subscriber of the network-associated information associated with the telephone call (col. 5 lines 7-10, and col. 6 lines 3-45).

However, Inutsuka fails to specifically disclose the base station receiving the telephone call from a communications network.

Cloutier discloses the base station receiving the telephone call from a communications network (see figure 1, col. 3 lines 27-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Inutsuka, and have the base station receiving the telephone call from a communications network for the purpose of routing calls from a communication network to its destination.

Regarding claims 2-7, the combination of Inutsuka and Cloutier discloses a system according to claim 1, the accessory device further comprising circuitry producing an alerting signal upon activation;

wherein the alerting signal is at least one of visual, audible, and tactile;

wherein the accessory device further comprises circuitry producing an alerting signal, the signal alerting the subscriber of receipt of the network-associated information;

wherein the accessory device continuously presents the network-associated information during the telephone call;

wherein the accessory device continuously presents the network-associated information until an on-hook condition is detected;

wherein the network-associated information includes an incoming calling line identification (ICLID) signal (Inutsuka, see figures 1 and 3, col. 5 lines 7-10, col. 6 line 41-col. 7 line 32).

9. Claims 9-12, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inutsuka in view of U. S. Patent No. 6,253,075 to Beghtol et al..

Regarding claims 9-12, 17, and 18, Inutsuka discloses a method according to claim 8, further comprising producing an alerting signal upon receipt of the calling line identification information;

comprising producing a visual alerting signal upon receipt of the calling line identification information; and discarding and filtering a voice portion of the telephone call so that only the calling line identification information is wirelessly transmitted from the transmitter (col. 5 lines 7-13, col. 6 lines 3-52, and col. 8 lines 3-14).

However, Inutsuka fails to specifically disclose producing an audible and a tactile alerting signal upon receipt of the calling line identification information.

Beghtol et al. discloses producing an audible and a tactile alerting signal upon receipt of the calling line identification information (col. 6 lines 22-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Inutsuka, by producing an audible and a tactile alerting signal upon receipt of the calling line identification information as taught by Beghtol et al. for the purpose of giving the user the opportunity to decide to receive or reject the call upon receipt of identification information.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571 272 7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EQE
12/29/05

NICK CORSARO
PRIMARY EXAMINER